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metallosilicate having a structure other than a beta structure, said metallosilicate being ion-exchanged with Co, said crystalline metallosilicate having a plurality of straight channels of oxygen 10-ring or larger in section, said plurality of straight channels being oriented in at least two different dimensional directions, individual members of said plurality of straight channels communicating with each other via micropores having a size of oxygen 8-ring or larger.

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24. (New) A process for reducing NO<sub>x</sub> in exhaust gas, which contains hydrocarbons, excess oxygen and sulfur oxides, by hydrocarbons having two or more carbons, comprising the step of: contacting the exhaust gas with a catalyst which contains at least crystalline metallosilicate having a structure other than a beta structure and being ion-exchanged with Co, said crystalline metallosilicate having a plurality of straight channels of oxygen 10-ring or larger in section, said plurality of straight channels being oriented in at least two different dimensional directions, individual members of said plurality of straight channels communicating with each other via micropores having a size of oxygen 8-ring or larger.

25. (New) The catalyst according to Claim 23, wherein the structure of the metallosilicate is BOG type or MEL type.

26. (New) The process according to Claim 24, wherein the structure of the metallosilicate is BOG type or MEL type.

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 2-5, 7, 8, 10, 12, and 15-26 are pending in this application. Claims 15, 16 and 18 have been amended to require the presence of Ti and/or B substitution in the metallosilicate. Claims 23-26 are directed to non-BEA type structures, as supported for example at page 6 of the specification.

Claims 10, 12 and 16-21 have been rejected for obviousness double patenting over US 5,869,013. This rejection is respectfully traversed. In view of the revisions to the independent claims, this rejection should be withdrawn. That is, the claimed subject matter of the '013 patent

does not suggest the Ti and/or B substitution of claims 15, 16 and 18, or the non-BEA structures of claims 23-26. Applicants hereby request that the previous Terminal Disclaimer, if entered, be withdrawn.

Claims 2-5, 10, 12 and 15-21 have been rejected for obviousness double patenting over US 5,985,225. This rejection is respectfully traversed. The claimed subject matter of the '255 patent is directed to a catalyst showing particular spectral intensities. The recited intensities reflect relatively low levels of  $\text{Co}_3\text{O}_4$ , which was found to be advantageous. Thus, the subject matter of the '255 patent is distinct from that of the present claims.

Claims 19 and 21 have been rejected under 35 USC 112, first paragraph. This rejection is respectfully traversed. With respect to the features of claims 19 and 21, claims 17 and 20 (from which claims 19 and 21 depend) themselves require that the hydrocarbons have four carbons or fewer calculated in terms of methane. In view of the use of propane as a specific example and the well-characterized nature of the class of saturated hydrocarbons, the present disclosure provides more than adequate evidence that the present inventors had contemplated and were in possession of the "saturated" aspect of the invention set forth in claims 19 and 21. The rejection relies on an improper "ipsis verbis" analysis and should be withdrawn. Fujikawa v. Wattanasin, 39 USPQ2d 1895 (Fed. Cir. 1996).

Claims 3, 4 and 15-17 have been rejected as anticipated by JP 5-220,403. Claims 2-5, 10 and 15-17 have been rejected as obvious over this reference. These rejections are respectfully traversed. The present catalysts and processes, which are directed to either substituted structures or non-BEA structures, are neither disclosed nor suggested by JP 5-220,403, which is directed to an unsubstituted BEA type structure.

Claims 3, 15 and 16 have been rejected as anticipated by Tamura. Claims 3, 15, 16 and 19-21 have been rejected as obvious over this reference. These rejections are respectfully traversed. The reference discloses a ferrierite material, which has passages of the 8-ring and 10-ring size oriented in different directions, not a plurality of 10-ring passages oriented in different directions as required by the present claims. Applicants respectfully contend that the present application does not characterize the ferrierite as having a plurality of 10-ring passages oriented in different directions, and in fact the ferrierite material does not have this characteristic. As noted above and explained in earlier responses, it has 8-ring passages oriented in a first direction and 10-ring passages oriented in a second direction. This is perfectly consistent with the

disclosure of the specification and the claims as originally filed. As Tamura neither discloses nor suggests the subject matter now claimed, the rejection should be withdrawn.

Applicants respectfully note that this Office Action was mailed and made final about one and a half weeks after the request for CPA was filed on July 6, 2000, and that, according to the records of the undersigned, there was no inquiry from the PTO about the filing of a Preliminary Amendment for this CPA application before the Action was mailed. Applicants respectfully contend that they should have been given a better opportunity to file a Preliminary Amendment, and therefore request that this Amendment be entered as a matter of right.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 371-5237.

Respectfully submitted,

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Date

